

109TH CONGRESS
2D SESSION

S. 2642

To amend the Commodity Exchange Act to add a provision relating to reporting and recordkeeping for positions involving energy commodities.

IN THE SENATE OF THE UNITED STATES

APRIL 25, 2006

Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. LEVIN, Ms. CANTWELL, Ms. MIKULSKI, Mrs. BOXER, and Mr. HARKIN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Commodity Exchange Act to add a provision relating to reporting and recordkeeping for positions involving energy commodities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Oil and Gas Traders
5 Oversight Act of 2006”.

1 **SEC. 2. REPORTING AND RECORDKEEPING FOR POSITIONS**
 2 **INVOLVING ENERGY COMMODITIES.**

3 (a) IN GENERAL.—Section 2(h) of the Commodity
 4 Exchange Act (7 U.S.C. 2(h)) is amended by adding at
 5 the end the following:

6 “(7) REPORTING AND RECORDKEEPING FOR
 7 POSITIONS INVOLVING ENERGY COMMODITIES.—

8 “(A) DEFINITIONS.—In this paragraph:

9 “(i) DOMESTIC TERMINAL.—The term
 10 ‘domestic terminal’ means a technology,
 11 software, or other means of providing elec-
 12 tronic access within the United States to a
 13 contract, agreement, or transaction traded
 14 on a foreign board of trade.

15 “(ii) ENERGY COMMODITY.—The term
 16 ‘energy commodity’ means a commodity or
 17 the derivatives of a commodity that is used
 18 primarily as a source of energy, includ-
 19 ing—

20 “(I) coal;

21 “(II) crude oil;

22 “(III) gasoline;

23 “(IV) heating oil;

24 “(V) diesel fuel;

25 “(VI) electricity;

26 “(VII) propane; and

1 “(VIII) natural gas.

2 “(iii) REPORTABLE CONTRACT.—The
3 term ‘reportable contract’ means—

4 “(I) a contract, agreement, or
5 transaction involving an energy com-
6 modity, executed on an electronic
7 trading facility, or

8 “(II) a contract, agreement, or
9 transaction for future delivery involv-
10 ing an energy commodity for which
11 the underlying energy commodity has
12 a physical delivery point within the
13 United States and that is executed
14 through a domestic terminal.

15 “(B) RECORD KEEPING.—The Commis-
16 sion, by rule, shall require any person holding,
17 maintaining, or controlling any position in any
18 reportable contract under this section—

19 “(i) to maintain such records as di-
20 rected by the Commission for a period of
21 5 years, or longer, if directed by the Com-
22 mission; and

23 “(ii) to provide such records upon re-
24 quest to the Commission or the Depart-
25 ment of Justice.

1 “(C) REPORTING OF POSITIONS INVOLVING
2 ENERGY COMMODITIES.—The Commission shall
3 prescribe rules requiring such regular or contin-
4 uous reporting of positions in a reportable con-
5 tract in accordance with such requirements re-
6 garding size limits for reportable positions and
7 the form, timing, and manner of filing such re-
8 ports under this paragraph, as the Commission
9 shall determine.

10 “(D) OTHER RULES NOT AFFECTED.—

11 “(i) IN GENERAL.—Except as pro-
12 vided in clause (ii), this paragraph does
13 not prohibit or impair the adoption by any
14 board of trade licensed, designated, or reg-
15 istered by the Commission of any bylaw,
16 rule, regulation, or resolution requiring re-
17 ports of positions in any agreement, con-
18 tract, or transaction made in connection
19 with a contract of sale for future delivery
20 of an energy commodity (including such a
21 contract of sale), including any bylaw, rule,
22 regulation, or resolution pertaining to fil-
23 ing or recordkeeping, which may be held by
24 any person subject to the rules of the
25 board of trade.

1 “(ii) EXCEPTION.—Any bylaw, rule,
 2 regulation, or resolution established by a
 3 board of trade described in clause (i) shall
 4 not be inconsistent with any requirement
 5 prescribed by the Commission under this
 6 paragraph.

7 “(E) CONTRACT, AGREEMENT, OR TRANS-
 8 ACTION FOR FUTURE DELIVERY.—Notwith-
 9 standing sections 4(b) and 4a, the Commission
 10 shall subject a contract, agreement, or trans-
 11 action for future delivery in an energy com-
 12 modity to the requirements established by this
 13 paragraph.”.

14 (b) CONFORMING AMENDMENTS.—Section 4a(e) of
 15 the Commodity Exchange Act (7 U.S.C. 6a(e)) is amend-
 16 ed—

17 (1) in the first sentence—

18 (A) by inserting “or by an electronic trad-
 19 ing facility operating in reliance on section
 20 2(h)(3)” after “registered by the Commission”;
 21 and

22 (B) by inserting “electronic trading facil-
 23 ity,” before “or such board of trade”; and

24 (2) in the second sentence, by inserting “or by
 25 an electronic trading facility operating in reliance on

- 1 section 2(h)(3)’’ after ‘‘registered by the Commis-
- 2 sion’’.

